

Applicant: Timothy R. Lang

SN: 10/633,737

REMARKS

Claims 9, 12 and 13 have been amended, claim 11 has been canceled, and claims 1-10 and 12-20 are pending in this application. No new matter has been added and reconsideration of the application is respectfully requested.

Claim Rejections Under 35 U.S.C. Section 102

In the July 26, 2005 Office Action, the Examiner rejects claims 1-4, 8, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by US Patent 5,748,568 to Harrison (Harrison '568). The Examiner next rejects claims 9, 10, 14, 17 and 18 under 35 U.S.C. §102(b) as being anticipated by CH 683664 to Blagojevic.

Claim Rejections Under 35 U.S.C. Section 103

The Examiner rejects claims 5 and 15 under 35 U.S.C. §103(a) as being unpatentable over Harrison '568 in view of US Pub 2003/0193842 to Harrison (Harrison '842). Claims 6 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison '568 in view of US Patent 4,206,592 to Maue.

Applicant respectfully submits that Harrison's use of "color" is simply using shading to show the passage of minutes. Harrison does not disclose or suggest the use of a "first color on the face corresponding to a current predetermined measurement of time and a second color on the face corresponding to a consecutive predetermined measurement of time, wherein the second color fills the face clockwise as an interval of time elapses" as recited in independent claims 1 and 9. On the contrary, Harrison simply shades a numeric indicator of time (e.g., the hour) the inverse of the shading that corresponds directly to elapsed minutes. The user is able to tell time

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only by observing the numeric indicator of the hour combined with the observation of how much shading exists along the standard clock face which corresponds to elapsed minutes. The user is completely unable to draw any observations on time based on the "color" (e.g., the shading) in Harrison.

Applicant further submits that the subject matter disclosed in Blagojevic includes the hours and the minutes along the same (horizontal) axis as opposed to "a first horizontal axis representing a first unit of time and a second vertical axis representing a second unit of time, wherein the first unit of time and the second unit of time are minutes or seconds" as recited in amended independent claim 9. Furthermore, Blagojevic discloses two rows of indicia wherein these are parallel rows on the same axis so that there is no integration of color with time, just separate indicia. The current invention as recited in independent claims 1, 9 and 19 discloses the use of the horizontal and vertical axes to display a color time field that fully integrates time with the changing color.

Finally, Applicant submits that neither Harrison nor Maue disclose a timepiece in which color is *fully integrated* into the method of indicating passing hours. Contrary to the present invention recited in independent claims 1, 9 and 19, color in Harrison and Maue is used as a literally separate indicator. Therefore, Applicant submits that independent claims 1, 9 and 19 are in condition for allowance.

Allowable Subject Matter

Claim 11-13 are objected to as being dependent upon a rejected base claim. Applicant thanks the Examiner for the indication of allowable subject matter, but respectfully submits that independent claims 1 and 19, and amended independent claim 9 are in condition for allowance.

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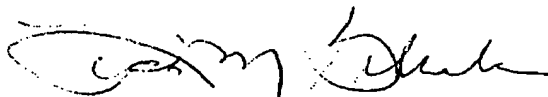
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Conclusion

Applicant respectfully asserts that claims 1-10 and 12-20 are now in condition for allowance, and a Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at the telephone number appearing below should the Examiner have any questions regarding the prosecution of this application.

Respectfully submitted,



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